

AO 120 (Rev. 3/04)

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| <b>TO: Mail Stop 8</b><br><b>Director of the U.S. Patent and Trademark Office</b><br><b>P.O. Box 1450</b><br><b>Alexandria, VA 22313-1450</b> | <b>REPORT ON THE</b><br><b>FILING OR DETERMINATION OF AN</b><br><b>ACTION REGARDING A PATENT OR</b><br><b>TRADEMARK</b> |
|---|---|

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:

|                                      |                                |   |
|--------------------------------------|--------------------------------|---|
| DOCKET NO.<br>06cv564                | DATE FILED<br>9/12/06          | U.S. DISTRICT COURT<br>DISTRICT OF DELAWARE |
| PLAINTIFF<br>Pulmonetic Systems Inc. |                                | DEFENDANT<br>VersaMed Medical Systems Inc.  |
| PATENT OR<br>TRADEMARK NO.           | DATE OF PATENT<br>OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK               |
| 1 6,102,038                          | 8/15/00                        | Pulmonetic Systems Inc.                     |
| 2                                    |                                |   |
| 3                                    |                                |   |
| 4                                    |                                |   |
| 5                                    |                                |   |

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

|                            |   |                               |
|----------------------------|---|-------------------------------|
| DATE INCLUDED              | INCLUDED BY<br><input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |                               |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>OR TRADEMARK  | HOLDER OF PATENT OR TRADEMARK |
| 1                          |   |                               |
| 2                          |   |                               |
| 3                          |   |                               |
| 4                          |   |                               |
| 5                          |   |                               |

In the above—entitled case, the following decision has been rendered or judgement issued:

|                    |
|--------------------|
| DECISION/JUDGEMENT |
|--------------------|

|  |                   |                            |
|--|-------------------|----------------------------|
| CLERK<br>PETER T. DALLEO, CLERK OF COURT | (BY) DEPUTY CLERK | DATE<br>September 13, 2006 |
|--|-------------------|----------------------------|

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy